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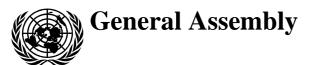
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Note on international protection

Report of the High Commissioner

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I Introduction

1.	The Note on international protection traditionally discusses significant protection challenges encountered over the preceding year and how UNHCR, States and other actors have addressed them. This year's Note reviews these developments with particular reference to the major trends affecting refugee protection: the shrinking of humanitarian space; challenges to the protection space; increasing urbanization; and ensuring protection in mixed migration flows. The Note also considers the ongoing challenges in protracted situations; reviews developments in relation to stateless people and the internally displaced; and looks forward to engaging with all stakeholders during the forthcoming anniversaries of important milestones in UNHCR's history (see para. 67).

2.	Addressing contemporary forms of displacement and statelessness is becoming more complex. Insecurity and instability, often compounded by dire social conditions, poor governance, and food, water and economic crises have complicated protection responses and solutions to displacement. Against this background, delivering protection requires ensuring the basic rights and freedoms of persons of concern, including refugees, internally displaced persons (IDPs) and others who have been forced to leave their homes or countries, as well as stateless persons. It requires combating racism and various forms of violence against individuals, including gender-based violence, gang-related violence, and violence for reasons of a person's sexual orientation. It requires protecting privacy and human dignity, securing fundamental needs such as food, shelter, education, health and sanitation, and addressing the specific needs of vulnerable persons. It requires the early identification of those in need of protection and of the action that needs to be taken to address their needs. Delivering protection also requires sufficient humanitarian space: a space of safety for those we seek to protect and a place of safety for those who work to protect. Ensuring protection warrants a collective response including strong and effective partnerships with and between States, United Nations agencies, intergovernmental and non-governmental organizations (NGOs), academia, civil society, host communities and the forcibly displaced and stateless themselves. Last but not least, delivering protection requires sustained commitment, including through stable funding, to enable the development and implementation of myriad protection responses and the pursuit of solutions.

## II.	Humanitarian space

3.	Over the past year, ongoing conflicts in many countries caused unremitting fear and instability, often generating internal and cross-border displacement. Indiscriminate violence, disregard for basic rights and obligations and the deliberate targeting of civilians remained widespread in various parts of the world. Entire countries and regions continued to be insecure and unstable. In Africa, conflicts in the Central African Republic, the Democratic Republic of the Congo, Somalia and Sudan continued to generate major displacement. In Asia, the situation remained volatile in southern Afghanistan. In the Middle East, the security situation in Iraq deteriorated ahead of the March 2010 elections and unrest continued in Yemen with an escalation of violence in the north. In Latin America, Colombia and its neighbours continued to experience an elevated rate of new displacement.

4.	Managing operations in insecure and unpredictable situations is challenging in every sense. UNHCR has been systematically reviewing contingency plans and the state of emergency preparedness for some of the rapidly evolving situations. In a number of operations UNHCR and partners were able to make significant progress. Together with other United Nations agencies, NGOs and the Red Cross and Red Crescent Movement, UNHCR responded, for example, to the crisis in Pakistan's North-West Frontier Province/Khyber-Pakhtunkhwa by providing humanitarian aid, assisting the Government in registering the displaced and establishing reception centres and providing assistance. In Yemen, three permanent registration centres were opened to register Somali refugees. In

the north of the country, with the assistance of the Saudi authorities, UNHCR was able to carry out three cross-border operations to deliver urgent humanitarian assistance to the displaced population. In Ethiopia, UNHCR, in cooperation with the Government, responded to a new influx of Somali refugees by registering them and providing assistance. In Ecuador, an innovative registration initiative enabled 27,000 Colombian refugees in an isolated region in the north of the country to receive identity documents.

5.   Although war and persecution are old realities, their nature has changed, with lines often blurred between civilians and the military and between military operations and humanitarian action. Conflicts today involve a multiplicity of actors, many of whom demonstrate a clear disregard for humanitarian principles. Others resort indiscriminately to criminal or terrorist activities that often undermine and at times even target humanitarian operations. Ongoing conflict and social instability have increased safety and security concerns, deterred people from fleeing, and hindered humanitarian access to persons of concern and the delivery of humanitarian aid, thus limiting the provision of protection and relief. Over the course of the year, UNHCR repeatedly emphasized that militarization of refugee camps, armed attacks on refugee or IDP settlements and other forms of insecurity in refugee-populated areas compromise the safety of the affected populations as well as public support for the principles of humanitarian action and the institution of asylum.

6.   The support of peacekeepers was often crucial to providing security for humanitarian activities, and to ensuring the physical security of refugees and IDPs as well as the civilian and humanitarian character of camps. The presence of peacekeepers in eastern Chad, for example, helped to dissuade attacks on refugee camps, discourage recruitment, particularly of children, and reduce the threat of banditry and sexual violence. In instances where the peacekeeping mission has a "protection of civilians" mandate, UNHCR, in its role as Global Protection Cluster lead, the Department of Peacekeeping Operations (DPKO) and other partners, have worked closely together to coordinate protection strategies, in order to avoid duplication. Moreover, UNHCR is assisting DPKO to compile "best practices" regarding joint protection activities, as in the Democratic Republic of the Congo, where the United Nations Mission (MONUC) has published a booklet advising troops how to handle certain protection situations.

7.   At the same time, the presence of peacekeeping forces has its limitations. It is the re-establishment of effective national and local protection structures that allows affected populations to return in safety and dignity and to create a stable society. Additionally, the more agencies depend on military actors to guarantee relief operations, the greater the risk of aid workers being considered partial, thus further endangering humanitarian operations. Humanitarian workers may be targeted or fall victim to random acts of violence. In 2009, UNHCR, its partners and other United Nations agencies have suffered numerous losses in many parts of the world.

8.   UNHCR has always stressed the need to retain the capacity to operate independently of political agendas and in accordance with the basic principles of humanitarian action, notably neutrality and impartiality. Insecurity in some countries continued to restrict the ability of the Office and its partners to conduct humanitarian operations effectively and to reach populations of concern. In some situations, an undue emphasis on national sovereignty has had adverse effects, perpetuating the suffering further. Restrictions imposed on humanitarian agencies, the expulsion of key staff or limitations on visas and the suspension of critical aid work have curtailed efforts to deliver relief and protection in a number of operations.

9.   In the face of such challenges, UNHCR created a permanent Security Steering Committee to examine the security situation of key operations and to recommend enhanced measures in response to perceived threats. In addition, the Office has sought to boost its information-gathering capacity, training and rules of engagement for its staff and those of its implementing partners. Despite the limitations, however, UNHCR found innovative ways to continue providing services to persons of concern.

10.   Widespread sexual and gender-based violence (SGBV) remained a defining feature of many conflicts. Together with cruelty against children in armed conflict, SGBV is increasingly recognized as a global security concern. Evidence of this is the appointment in 2010 of a Special Representative to the Secretary-General on sexual violence in conflict. SGBV in conflict presented UNHCR and its partners with challenging environments wherein the continuation of critical humanitarian programmes and the assurance of the safety of staff and the displaced were rendered even more difficult. Comprehensive strategies to combat SGBV were integrated into UNHCR's efforts in regard to physical protection, health, access to psychosocial support and justice, livelihoods, community empowerment and durable solutions. In Southern Sudan, for example, UNHCR initiated an inter-agency survey on the prevalence of SGBV to facilitate the development of a legislative framework and an inter-agency prevention and response strategy.

11.   Ensuring more systematic action and reporting on sexual violence incidents and trends remained a major challenge. The Gender-Based Violence Information Management System (GBVIMS) project initiated by the International Rescue Committee (IRC), UNHCR and the United Nations Population Fund (UNFPA), has provided a helpful tool for all humanitarian actors in the Field, for systematic, safe and ethical data collection and analysis. The project was piloted in Kenya, Thailand and Uganda and demonstrated its usefulness in ensuring standardized incident data collection, obtaining relevant statistical output, and informing subsequent response.

III.   Protection space

12.   People fleeing persecution, armed conflict, generalized violence and massive human rights violations are first and foremost concerned with reaching safety and not being forced back into a situation where their lives or freedom are in danger. The drafters of the 1951 Convention relating to the Status of Refugees, who had witnessed first-hand the flight of European refugees during the Second World War, took into account this fundamental need for safety and stability during their deliberations. They therefore prioritized in the Convention – the cornerstone of international refugee law – both protection from *refoulement* and a range of the very practical rights which refugees need to be able to exercise to get on with their lives, including: education for their children; identity and travel documents; the right to engage in employment or practise a profession; and access to courts and justice.

13.   Despite this comprehensive and long-established legal framework for refugee protection, there remained, in a number of countries and regions, an implementation deficit. In some places this was because the State concerned had not yet become party to the international refugee instruments - even though this has not hindered some such States from providing protection to refugees. In other places, this was due to a variety of reasons including lack of resources, limited capacity, or lack of understanding and commitment to transpose international obligations into domestic law.

14.   In States in which asylum systems have not yet been established or are not yet fully functional or fair (currently over 50 countries), UNHCR refugee status determination (RSD) remained the basis for the delivery of protection and assistance. Although the Office decided on 66,000 claims in 2009, RSD is a resource-intensive activity requiring specialized knowledge and skills. The number of applications received by UNHCR each year far exceeds its processing capacity. As a consequence, there are significant backlogs. The Office is seeking to strengthen its own RSD capacity through training, advice and operational support, and in 2009, extended its partnerships with the Canadian Immigration and Refugee Board and the *Office Français de Protection des Réfugiés et Apatrides*, each of which provides RSD experts to operations.

15.   UNHCR continued to provide guidance and advice on procedural and practical matters and to engage with governments to strengthen emerging asylum systems, including through training and translation and promotion of laws and other documents. In Morocco, the Ministry of Justice, in cooperation with the judiciary, law enforcement agencies and UNHCR, conducted a successful programme for the promotion of refugee law. In Israel, the Office participated in a six-week training event for officers of the Ministry of the Interior who assumed responsibility for examining asylum claims following the handover of RSD to the Government in 2009. In Saudi Arabia, the High Commissioner launched a book which examines the influence Islamic Sharia'a has had on contemporary international refugee law, for use as an important awareness-raising tool throughout the region. In Asia, a new mechanism to build and strengthen the protection framework in Member States of the Association of South East Asian Nations (ASEAN) was introduced with the establishment of the ASEAN Intergovernmental Commission on Human Rights. In the Americas, UNHCR organized the first workshop for the national refugee commissions of the Member States of the Southern Common Market (MERCOSUR).

16.   Quality assurance was at the heart of a wide-ranging comparative analysis of the transposition of key provisions of the European Union's Asylum Procedures Directive into national law in twelve European Union Member States. UNHCR concluded that harmonization of law or practice has not yet been achieved because of wide discretion and exceptions allowed by the Directive, as well as divergent interpretation and implementation of many articles. Further efforts are needed to improve standards and ensure fair and effective asylum procedures consistently across the European Union.

17.   The age, gender and diversity mainstreaming (AGDM) approach, which benefits all categories of persons of concern, continued to be applied by field offices to develop standards and improve protection of persons at heightened risk. One such category is persons with disabilities. UNHCR and partners have taken the initiative in various countries, including Kenya, the Syrian Arab Republic and Yemen, to make livelihood programmes available for persons with disabilities and to develop community outreach programmes; provide counselling; enable access to medical care; and organize vocational training programmes. Through participatory assessments, UNHCR has been able to identify and respond to various concerns including, for example: improving school attendance rates in the United Republic of Tanzania; addressing substance abuse among children in Nepal; and working to preserve indigenous cultures on the verge of extinction in Colombia. In Benin, the Office undertook a "customer satisfaction survey" which led to significant improvements in the reception and counselling services offered there. Related developments included the issuance of a Guidance Note on Refugee Claims relating to Female Genital Mutilation and of Guidelines on International Protection relating to Child Asylum Claims.

18.   Judicial decisions during the year contributed to consistent and sound interpretation and application of relevant standards, often bridging the protection deficit when administrative processes failed. UNHCR remained engaged with the legal community, including the judiciary, in various countries and regional jurisdictions, by assisting legal networks, strengthening their capacity and intervening in cases before national courts. UNHCR issued statements in the context of asylum-related cases before the Court of Justice of the European Union, and the European Court of Human Rights invited UNHCR to provide its views on asylum and refugee law related issues.

19.   Instances of *refoulement*, often occurring out of the public eye, disguised as voluntary returns or cloaked in new terminology such as "informal deportations", coupled with long waiting periods to register and properly adjudicate asylum claims, emerged during the year as telling indicators of lapses in protection. UNHCR also noted deficiencies in asylum systems that led to subsequent removals, sometimes in the form of forced returns to the country of origin. In some cases, refugees awaiting urgent resettlement suddenly disappeared. In other cases, UNHCR was able to prevent *refoulement* by making formal or

informal interventions with relevant authorities or through human rights mechanisms. When *refoulement* occurs, refugee status does not cease and the Office continues to have a responsibility to monitor and protect the persons concerned.

IV. Urbanization

20. Compounding the complicated mix of insecurity and legal or institutional deficiencies outlined above is the fact that persons of concern to UNHCR are increasingly migrating to, and residing in, urban areas. Such movements are motivated by the search for safety and the desire to improve economic and social prospects. While some refugees indeed succeed in improving their lot by such movement, the situation awaiting those who move to cities is, however, frequently harsh and unwelcoming, and the search for solutions often elusive.

21. The 2009 High Commissioner's Dialogue on Protection Challenges, which specifically explored "challenges for persons of concern in urban settings", acknowledged that urbanization is an irreversible trend. There are an estimated 5 million refugees under UNHCR's mandate, and many more millions of internally displaced people, living in urban areas. Seldom is there a good understanding of their situation in cities and host communities. Many opt to remain unregistered and invisible to the authorities owing to fear of harassment, discrimination or threats to physical safety; others are prevented from registering. Refugees may fear arrest, detention and *refoulement*. Undocumented, they may become prone to abuses such as exploitation and forced evictions and experience difficulty in accessing basic services. Refugees and displaced persons frequently live in overcrowded slums and shanty towns and lack livelihood opportunities. They are regularly obliged to make a living in the informal sector of the economy, where they are frequently subjected to exploitation in various forms.

22. UNHCR issued a new urban refugee policy in September 2009 to guide offices in responding to the challenges encountered in urban settings. The policy acknowledges the national legal and policy frameworks in which it has to be implemented, but aims to encourage and contribute to the progressive development of these frameworks by promoting the rights, well-being and self-reliance of refugees in urban areas. The policy is being applied in cities across the globe. In addition, and in follow-up to the High Commissioner's Dialogue, UNHCR selected seven "pilot sites" to monitor closely the implementation of the policy; examine the challenges encountered; and identify lessons learned and good practices that may be replicated elsewhere.

23. Strong and innovative partnerships with governments (at both national and local levels), as well as with community-based and faith-based organizations, are essential in this context. In preparation for the Dialogue, UNHCR engaged extensively with a range of organizations, including other United Nations agencies, intergovernmental organizations and NGOs. UNHCR was also active in an Inter-Agency Standing Committee Task Force on Meeting Humanitarian Challenges in Urban Areas, chaired by UN-Habitat. The Task Force's preliminary report, presented in November 2009, revealed that participating humanitarian and development agencies have very different levels of experience and understanding of the challenges in urban settings and often lack tailored tools and approaches. UNHCR and the Cities Alliance, a global coalition of municipal authorities and development partners, completed a scoping study on urban displacement which examined potential areas of cooperation and will be published in mid-2010. In Latin America, a framework specifically addressing the needs of urban refugees has been adopted. The

Mexico Plan of Action's "Cities of Solidarity" initiative has developed into a platform in which more than 25 local governments are actively engaged in welcoming and assisting refugees living in cities.

24.   The global economic crisis has undoubtedly rendered life in cities more difficult. Jobs have been cut, remittances have diminished, and xenophobia has escalated. In a positive development, micro-credit programmes have proven to be successful in assisting refugees in urban settings in, for example, Benin, the Gambia and Togo. In Costa Rica, a micro-credit scheme and the "*Casa de Derechos*" (house of rights) project contributed to promoting the protection and self-sufficiency of refugee families. In many countries, UNHCR helped to provide shelter for IDPs and initiate income-generating activities. The Office also supported governments in their efforts to provide acceptable living conditions for IDPs in collective centres. In all of these efforts, the priority is to ensure the resilience and self-reliance of families and individuals.

25.   An important recommendation emerging from the High Commissioner's 2009 Dialogue is the need to devise community-based approaches to providing assistance and protection to populations of concern in cities. Building parallel structures for the provision of services and assistance, particularly in the areas of shelter, education and health, is not only costly but can fuel resentment and antagonism against persons of concern. Humanitarian and development actors are therefore being encouraged to work in a manner that engages both host and displaced communities and sustains the viability and cohesion of local communities. Many benefits accrue from strengthening capacities in host communities, enhancing self-reliance, providing access to education and health care and stimulating the local economy. UNHCR acknowledges the valuable expressions of generosity, solidarity and responsibility-sharing demonstrated daily by governments and local communities, including those that have been hosting millions of refugees for decades.

26.   In many cities around the world, refugees and asylum-seekers suffered intolerance, violence, exploitation, discrimination and xenophobia. It is important to counter such phenomena and to reach out to local communities in order to address feelings of fear and resentment. In South Africa, for example, practical arrangements have been made between the police and UNHCR to ensure a rapid response to incidents of violence and to open a dialogue between the local community, the displaced and the authorities. In Costa Rica, refugee youth participated in a UNHCR project aimed at spreading awareness about refugees and combating xenophobia in schools. In Mexico, a publication developed together with the National Commission for the Prevention of Discrimination to combat discrimination against refugees was so successful that it is being translated and adapted for use in Algeria. In December 2009, UNHCR issued a guidance note on combating racial discrimination, xenophobia and related intolerance, which provided advice on how to prevent and reduce discrimination affecting persons of concern to UNHCR. This is an example of the type of additional guidance being developed to enhance implementation of the September 2009 urban refugee policy. Since countering racism and xenophobia exceeds the capacity of UNHCR alone, the Office cooperates, for example, with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and United Nations human rights mechanisms, as well as with the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODHIR), to tackle these, and related human rights issues.

27.   Low levels of assistance, high costs of living and significant income disparities between hosting and displaced populations have been contributing factors to sexual exploitation. Involvement in sex work is known to disproportionately expose women and girls to violence both from the community and from institutions that should be protecting them. UNHCR addresses sexual exploitation, *inter alia*, by recommending victims for resettlement under the women-at-risk category; supporting alternative livelihood options; promoting safer sex; and ensuring early identification and protection of children at heightened risk.

28.   Children and adolescents face additional risks, particularly in urban areas, due to common criminality and drug trafficking. Unaccompanied or separated children are at greater risk due to the lack of family structures to support and protect them and to ensure

their access to education. They are often left to fend for themselves, which further exposes them to the risk of exploitation and abuse. In a positive development, 20 UNHCR operations reported increased school enrolment rates of refugee children in urban settings, including in Bangladesh and Malaysia. UNHCR also continued to advocate, with limited success, for the inclusion in a non-discriminatory manner of refugee children in national child protection systems.

29.   Gang-related violence – a predominantly urban phenomenon – is equally a growing concern which has led to an increased number of asylum-seekers in the Americas, with claims often lodged by young people fearing persecution by gang members. In Mexico and Costa Rica, some of these refugee claims were recognized as valid. In March 2010, UNHCR issued a *Guidance Note on Refugee Claims Relating to Victims of Organized Gangs* with the aim of assisting adjudicators with the assessment of such claims and ensuring consistent interpretation of the refugee definition.

V.   International protection and mixed migration

30.   People move across borders to other countries in search of safety, prosperity or both. Each year, tens of thousands risk their lives by undertaking dangerous journeys across inhospitable terrain and rough seas. Many lose their lives; others are subjected to abuse at the hands of unscrupulous smugglers. Enormous sums of money are paid to smugglers who, for example, arrange journeys across mountain ridges in dangerous circumstances or across the sea in overcrowded vessels that are neither seaworthy nor adequately provisioned.

31.   Traditional border control mechanisms too often fail to recognize and address the protection needs of persons of concern who are travelling together with others who may not wish to, but – unlike refugees – have no fear of returning home. Offshore border controls proliferate and are often guided by rules falling outside formal legislative frameworks. Maritime search and rescue zones are becoming a new point of reference for deciding on where disembarkation of boat people should occur. UNHCR has documented numerous instances of interceptions of asylum-seekers and/or migrants on the high seas where no proper verification of protection needs has been undertaken. Examples of "push-backs" to unsafe countries which are not signatory to the 1951 Convention are particularly serious. Such practices, when coupled with inadequate protection frameworks in the receiving State, put refugees at great risk.

32.   The perception that problems related to irregular migration are insoluble, and that migrants routinely misuse asylum systems, has an impact on how borders are controlled; on how foreigners entering the country are received; and on whether asylum claims are deemed valid or perceived as fallacious. There is a clear trend to introduce laws deterring and criminalizing asylum-seekers who have arrived irregularly or overstayed their visas. A positive development can be reported from the United States of America and China, where restrictions on the entry of people living with HIV have been removed. While UNHCR has consistently recognized the legitimate interest of States to manage immigration and control the entry, stay and removal of migrants, the Office has equally stressed the need to design mechanisms that are responsive to those seeking international protection. UNHCR and partners continued to engage with States to ensure that mechanisms are in place at the border enabling persons seeking protection to have access to territory and asylum procedures. Tripartite agreements involving UNHCR and partner organizations in border monitoring have, for example, been put in place in a number of countries in Central and Eastern Europe. UNHCR also continued to be engaged in discussions regarding procedures for handling persons intercepted or rescued at sea.

33.   Assisting States in the development of protection-sensitive migration frameworks and policies remained a priority for UNHCR. The 10-Point Plan of Action on Refugee Protection and Mixed Migration has become an important strategic planning tool. In June 2009, UNHCR released a compilation of some 150 practical examples from 55 countries on how activities inspired by the 10-Point Plan have been successfully implemented. A regional conference on refugee protection and international migration, held in Costa Rica in November 2009, offered a further opportunity to identify the main protection challenges in the region's complex mixed migratory context and to discuss the necessary responses to address them. In addition, two expert roundtables were organized in July and December 2009, strengthening strategic partnerships and resulting in a profiling questionnaire for the identification of persons with specific needs in a mixed migration context.

34.   UNHCR welcomed the adoption of anti-trafficking measures and laws in a number of countries. The Office also continued to raise awareness regarding the potential need for refugee protection for some trafficked persons and undertook efforts to make certain that those who wish to seek asylum are properly identified, cared for and assured of access to procedures. UNHCR has, for instance, been actively involved in advocacy activities in a number of regions to ensure that national anti-trafficking laws and policies are protection-sensitive and establish proper referral mechanisms between the law enforcement and asylum authorities. To this end, UNHCR and the International Organization for Migration (IOM) finalized and distributed Joint Framework Standard Operating Procedures on the identification and protection of trafficked persons at the end of 2009. This was followed by three regional workshops for IOM and UNHCR staff, in Addis Ababa, Bogota and Marrakech, to help improve inter-agency cooperation and coordination on this theme. The General Assembly of the Organization of American States adopted a resolution urging Member States to study the possible link between trafficking and the international protection of refugees and encouraged Member States to provide refugee protection or some form of complementary protection to victims of trafficking. The African Union organized a workshop in March 2010 to discuss effective means of networking, coordination and cooperation among Member States, regional economic communities and partners to address trafficking in persons in Africa; to sensitize States on the operationalization of an action plan to combat trafficking; and to launch an awareness-raising campaign.

35.   The movement of unaccompanied and separated children across borders is a growing trend and a global concern. Such children are often detained for irregular entry or for using false documentation. All too frequently, they are not provided with child-appropriate information, qualified guardians, access to asylum procedures or proper reception facilities. Furthermore, their age may not be determined in an effective manner.

36.   Children in mixed migration flows are therefore often unable to lodge asylum claims and may remain unregistered. Responding to the scope and complexity of the situation of unaccompanied and separated children in mixed migration flows is beyond the capacity, mandate and specific expertise of any one organization, and calls for inter-agency cooperation and partnerships with concerned governments in countries of origin, transit and destination. In this connection, UNHCR, the United Nations Children's Fund (UNICEF) and IOM established a working group to develop a joint strategy on enhancing responses to child protection challenges in mixed migration.

37.   In Europe, the overall number of unaccompanied and separated children claiming asylum increased slightly in 2009, to an estimated 15,000, with over 40 per cent coming from Afghanistan alone. Research, including by UNHCR, sought to determine the profile and background of these children, as well as their motivation for travelling to Europe. Many European governments are taking steps to deport children not in need of international protection. UNHCR is seeking to ensure that return agreements include safeguards, such as best interests determination (BID), family tracing, appropriate long-term care upon return, and post-return monitoring.

38.   Detention of refugees and asylum-seekers remained a concern, especially when there are no exceptional grounds; when access to detention facilities by UNHCR or partners is denied; or when the conditions of detention are below acceptable standards. Penal-like conditions, including the use of handcuffs, hooding and shackles, are not uncommon.

39.   Positive developments can be reported with some countries drafting policies aimed at avoiding the detention of families with children; allowing access to detention facilities; constructing separate facilities designed for immigration detention instead of relying on penal institutions; and issuing new detention guidelines that favourably impact asylum-seekers and refugees.

40.   To address unjustified detention, UNHCR advocates strongly for the use of effective alternatives to detention. A global survey of alternatives to detention in use in a number of States, conducted by the International Detention Coalition, concluded that the use of such alternatives, especially for vulnerable people and children, has shown positive results. High levels of voluntary departures and low levels of absconding are achieved while the rights, dignity and well-being of asylum-seekers and migrants are upheld. To promote the use of such alternatives in East Asia, UNHCR together with the Government of the Republic of Korea, organized in April 2010 a successful subregional roundtable on alternatives to detention.

VI. Resolving protracted situations and achieving durable solutions

41.   Many refugees and internally displaced persons are trapped for years in camps and communities with no durable solution in sight. UNHCR has pursued comprehensive strategies to bring closure to protracted situations. Toward this end, UNHCR has promoted voluntary repatriation for some, and developed alternative solutions and measures to ensure the continued protection of those refugees unable to return home. The Office welcomed the adoption of a Conclusion on protracted refugee situations by the Executive Committee in 2009. UNHCR has also developed a Global Plan of Action on protracted situations, emphasizing the need to provide assistance and find durable solutions in a spirit of international collaboration, solidarity and burden sharing. The Office also participated in the drafting of the report *Europe's forgotten people: protecting the human rights of long-term displaced persons*, issued by the Parliamentary Assembly of the Council of Europe. The report contains important recommendations to Member States.

42.   In an effort to alleviate the burden occasioned by the prolonged stay of large numbers of refugees, UNHCR, together with governments and the international community, worked to improve the facilities and services available in these areas and to create space for development, reducing dependency and increasing possibilities for self-sufficiency. In Bangladesh, for example, UNHCR completed a comprehensive profiling of all refugees in the camps using the heightened risk assessment methodology to identify systematically those with specific needs, as well as individual educational qualifications and skills, in order to better focus self-reliance opportunities and identify those in need of resettlement. A number of initiatives supported refugee-affected and hosting areas, including camp closure and rehabilitation in Ethiopia and Uganda; the Refugee-Affected and Hosting Area Programme (RAHA) in Pakistan; and the "reach-out strategy" initiated in Nepal. Strategies for self-reliance and empowerment were adopted in several key protracted and urban operations, including in Armenia, Bangladesh, Burundi, Egypt, India, Jordan, Malaysia, Senegal, eastern Sudan, the Syrian Arab Republic, Yemen and Zimbabwe. Under the leadership of the Assistant High Commissioner for Protection, the empowerment of women and girls is supported by the Women Leading for Livelihoods Initiative. Several pilot projects implemented in 2009 aimed at enhancing opportunities for distance learning, vocational training and community technology access. Though considerable progress has been made over the years, access to education and school

enrolment are still among the major challenges in protracted situations. Globally, the primary education enrolment rate increased in 10 operations in camp settings, including in Dadaab in Kenya and in eastern Sudan.

43.   The reality for many refugees and displaced persons is frequently one of renewed fear, of being an outcast, in their own or someone else's land, and not one of security and stability. Although some have managed to return home, safe and dignified return is often impeded by insecurity and instability as well as by economic destitution. In many countries, successful return and reintegration have been hindered by stalled or failed peace processes, the presence of landmines, insufficient registration, inadequate reception capacity and shortages of services and livelihood opportunities. The challenge for returnees is to enjoy the same conditions as other citizens regarding basic needs, such as health care, education, water supply and food security. In many operations, UNHCR and its partners supported reintegration with protection monitoring and programme implementation, including allocating farmland and distributing agricultural supplies, launching cooperatives, supplying water and implementing food-for-work projects.

44.   At the operational level, UNHCR continued to seek repatriation and reintegration opportunities, *inter alia* in Afghanistan, Burundi and Southern Sudan. With the support of UNHCR, for example, some 54,000 Afghans repatriated and more than 19,000 Mauritanian refugees returned home from Senegal. Some 17,000 refugees returned from Zambia to Katanga Province in the Democratic Republic of the Congo, and some 330,000 Sudanese refugees, or approximately 80 per cent of the registered refugee population in the neighbouring countries of asylum, have returned home. Since the end of the armed conflict in Sri Lanka in May 2009, UNHCR continued to provide support to the Government in de-mining and provided assistance to ensure the sustainable reintegration of returnees. Progress in reconstruction and reconciliation is key to the resolution of the displacement of Sri Lankans within and outside the country. In Iraq, UNHCR's activities formed part of the inter-agency Iraq Humanitarian Action Plan (IHAP), supporting the Iraqi Government in establishing the conditions to facilitate the return of refugees and IDPs. Despite these successes, only a quarter of a million refugees returned home in 2009 - the lowest figure in two decades.

45.   Refugees make very real and positive contributions to the societies where they have found refuge, frequently providing needed labour and bringing essential skills to the market. Despite this, a combination of social and political factors, often coupled with host country economic difficulties, have rendered the realization of full self-sufficiency in asylum countries a challenging prospect in many parts of the world. The scale and impact of the burden borne by host countries in the developing world cannot, in this respect, be underestimated. The Islamic Republic of Iran and Pakistan, for example, have hosted millions of Afghan refugees for decades. While voluntary repatriation remains the preferred solution for Afghans in the Islamic Republic of Iran, UNHCR and the Government are exploring new initiatives aimed at the development of a sustainable livelihood strategy while they remain. In the same vein, Pakistan allowed 1.7 million registered Afghans to remain in the country for at least three more years, alongside continued voluntary repatriation and renewed investment in host communities.

46.   In Africa, most notably in the United Republic of Tanzania, where 162,000 Burundians were naturalized, local integration has emerged as a viable solution for refugees. Regional frameworks, such as the Economic Community of West African States (ECOWAS) Protocol on the Free Movement of Persons, the Right of Residence and Establishment, are important mechanisms enhancing prospects for local settlement.

47.   Despite UNHCR's and States' success in more than doubling the number of departures in the past five years (from 42,000 in 2004 to over 84,000 in 2009), the demand for resettlement is increasing, leaving a huge gap between needs and the places on offer.

UNHCR estimates that approximately 203,000 people will require resettlement in 2010 while places available are likely to be less than half this figure. In 2009, UNHCR submitted some 128,000 persons for resettlement.

48.	The Office's response to the disparity between the needs and the capacity for resettlement has been to encourage more countries to establish resettlement programmes or to consider UNHCR resettlement submissions, as well as to work with established resettlement countries to increase their intake and to prioritize responses to resettlement needs and submissions.

49.	Twenty-one countries worldwide now offer resettlement places. UNHCR will continue exploring further opportunities to resettle refugees in other countries. The efforts of the European Commission to establish a Joint European Union Resettlement Programme will further enhance the capacity of European Union Member States to engage in resettlement as a means of providing protection and sharing responsibility. Meanwhile, the Philippines, Romania and Slovakia have established evacuation transit facilities for the onward resettlement of persons with acute protection needs. The evacuation transit mechanisms help bridge a gap in global resettlement delivery for refugees in urgent need of resettlement.

50.	Some resettlement criteria, such as family size, ethnicity and religion, or obstacles, such as difficulties in gaining access to populations and in obtaining exit visas, negatively impact resettlement. The perception, held by some resettlement countries, that certain groups of refugees pose greater security risks than others, coupled with the restrictions certain host countries place on access to refugees for resettlement processing, have diminished the prospects for resettlement of refugees with acute protection needs in a number of situations.

51.	UNHCR continued to prioritize resettlement needs for specific vulnerable groups and for those in protracted refugee situations. For example, under UNHCR's women-at-risk category, victims of sexual exploitation are recommended for resettlement. In protracted refugee situations, more than 29,000 refugees from Bhutan have been resettled from Nepal to third countries since the inception of the resettlement programme in early 2008. In Thailand, the introduction of third-country resettlement in 2005 has provided resettlement to over 50,000 individuals to date.

# VII.	Statelessness

52.	It is not possible to quantify reliably the true extent of statelessness in the world today, but there is no doubt that scores of stateless people face challenges in exercising their human rights, including obtaining identity documents, registering their children and accessing procedures. The development of standards for the prevention, reduction and protection of stateless persons therefore continues. In 2009, two States[1] acceded to the 1961 Convention on the Reduction of Statelessness and two acceded to the 1954 Convention relating to the Status of Stateless Persons. In Europe, the Council of Europe Convention on the avoidance of statelessness in relation to State succession entered into force. The adoption of a recommendation on the nationality of children by the Committee of Ministers of the Council of Europe, containing a broad set of principles to prevent and reduce statelessness among children (through, for instance, the facilitated naturalization and birth registration of all children born on the territory), represented an important step forward.

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[1] Liechtenstein acceded to both Statelessness Conventions in September 2009, while Hungary acceded to the 1961 Convention in May 2009, and Malawi acceded to the 1954 Convention in October 2009.

53.   A number of States took positive steps to improve national legislation in order to ensure the right to a nationality and thereby avoid statelessness. For example, Bangladesh and Zimbabwe introduced reforms recognizing the right of women to confer nationality on their children on an equal basis with men. Viet Nam implemented revised legislation, paving the way for easier naturalization of stateless persons and for the reacquisition of nationality by former citizens, including those who became stateless when they failed to acquire another nationality through naturalization.

54.   Various countries improved their birth registration systems, so vital for the prevention of statelessness, by waiving specific birth registration requirements and ensuring the birth registration of children belonging to minorities. A joint UNHCR and UNICEF project in Georgia assisted individuals with registration and documentation. The importance of standardized and effective procedures for birth registration and documentation was reiterated in the Human Rights Council resolution on human rights and arbitrary deprivation of nationality.[2] This particular appeal to States is significant because there are few standards that explicitly apply to decisions relating to nationality.

55.   Developing an understanding of statelessness issues and building the capacity of States to address them remained at the centre of UNHCR's activities in, for example, Djibouti, Ethiopia and Kenya. Training sessions were organized in Europe, the Middle East and Africa. In countries such as Iraq, Nepal and Ukraine, UNHCR projects assisted people in acquiring or confirming nationality. In Côte d'Ivoire, UNHCR and its partners continued to issue vital identity documents to persons at risk of becoming stateless. An encouraging regional dynamic could be observed in Central Asia. A regional project on prevention, reduction and protection of stateless persons culminated in a regional conference in Turkmenistan, co-hosted by the Organization for Security and Co-operation in Europe (OSCE). Government representatives from the region shared best practices and highlighted several remaining obstacles to the eradication of statelessness in the region.

56.   In March 2010, UNHCR issued a strategy note on measures being taken by UNHCR to address statelessness. The note provides a framework of action to address statelessness, highlighting the major issues to be addressed at the field level and may prove helpful for governmental, United Nations and civil society partners as well as regional organizations.

VIII.   Internal displacement

57.   There are approximately 26 million people worldwide who are displaced within their own countries due to conflict or other complex emergencies; the largest numbers are hosted by Colombia, Iraq, Pakistan and Sudan. The number of persons internally displaced by natural disasters is even larger. In 2008 alone, 36 million persons were displaced by sudden-onset natural disasters, including 20 million displaced by disasters that were climate-related.

58.   As outlined in chapter II of this Note, diminishing humanitarian space is one of the main challenges to UNHCR's operations, including for IDPs. This disproportionately affects the large majority of IDPs who stay outside camps or collective centres. To address this problem, UNHCR and the Protection Clusters have sought, among other measures, to work more closely with, and develop the capacity of, local partners who have access to persons of concern. In Somalia, the Protection Cluster developed an innovative population tracking system, in collaboration with local NGOs, which has facilitated outreach to dispersed groups of IDPs. In Colombia, UNHCR developed analytical tools that help Protection Cluster members evaluate the impact of their own activities on the availability of humanitarian space. In addition, the Office is proposing a set of practical measures for

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[2] See A/HRC/RES/13/2, adopted without a vote on 24 March 2010.

discussion within the Inter-Agency Standing Committee (IASC). These measures include improving data-gathering mechanisms on the number and location of IDPs and increased use of community-based networking. UNHCR also co-chairs, together with the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), an IASC working group on analysing the challenges faced by humanitarian agencies in preserving humanitarian space and identifying actions to address them.

59.   The adoption of the Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) by the African Union Special Summit of Heads of State and Government on Refugees, Returnees and Internally Displaced Persons in October 2009 represented a significant milestone for the protection of displaced populations. The Convention is the first legally-binding international instrument regulating internal displacement in an entire region. To date, 25 countries have signed the Convention and, in February 2010, Uganda became the first country to ratify the treaty. UNHCR actively works with States to promote the ratification and implementation of the Convention. At the same time, in the absence of a universal convention, the United Nations Guiding Principles on Internal Displacement remain at the centre of the legal framework for the protection of internally displaced persons.

60.   At the national level, UNHCR witnessed an important surge in the creation of policy and normative frameworks for IDPs. The Office continued to encourage States to harmonize national standards with the Guiding Principles. In that respect, UNHCR welcomed Georgia's action plan for IDPs, which sets out an accountability framework in line with the Guiding Principles. In Kenya, UNHCR and other protection cluster members, with critical assistance from the Representative of the Secretary-General on the Human Rights of IDPs (RSG), provided support to the Government in the development of a national IDP policy.

61.   In leading the Global Protection Cluster, which includes responsibility for both complex emergencies as well as natural disasters within its remit, UNHCR has taken an increasingly active role in standard setting. In particular, UNHCR assisted the RSG in his revision of the *Framework for Durable Solutions for IDPs*, which aimed at fostering a better understanding of the concept of durable solutions for the internally displaced, providing general guidance on the principles and processes necessary for achieving such a solution, and assisting in determining to what extent a solution has been achieved. UNHCR also assisted the International Committee of the Red Cross (ICRC) in the preparation of their *Professional standards for protection work carried out by humanitarian and human rights actors in armed conflict and other situations of violence.*

62.   UNHCR enhanced its efforts to increase the efficiency and predictability of humanitarian responses by United Nations, other intergovernmental and non-governmental organizations in the protection domain. Thirty Protection Clusters at the country level, of which 21 are led by UNHCR, are supporting States in delivering their responsibility to protect IDPs and other affected populations. In Colombia, for example, UNHCR and the Colombian Government's 2010-2011 plan has built upon the State's ongoing efforts to protect IDPs. UNHCR's priority interventions in 2009 included: protecting communities at risk; supporting profiling and land registry; and ensuring the effective participation of displaced communities and organizations in the design of assistance programmes and other such measures.

63.   Protection issues are both less visible and more pervasive in natural disaster situations. They can accentuate inequalities and continue to affect populations long after the crisis ends. The challenge is to draw attention to protection risks facing the internally displaced and affected communities in such situations and to secure an adequate response by both international and national actors. While the main role and responsibility to respond to natural disasters rests with governments, in some cases they require support to coordinate protection-related activities or to map out strategies aimed at protecting victims and adopting a rights-based approach in the relief and rehabilitation response. UNHCR has the

demonstrated ability and willingness to take on a leading role in that regard, with its worldwide presence, improved integration of emergency preparedness and significant protection expertise, particularly in registration, documentation and response to SGBV.

64. Accordingly, UNHCR strengthened its commitment in leading global protection efforts in natural disasters and led the Protection Cluster's response to three successive typhoons that struck the Philippines. The Protection Cluster was also activated in Haiti following the recent earthquake. UNHCR provided support to OHCHR in establishing a structure for leadership, ensuring that protection concerns were mainstreamed into all sectors of the humanitarian response – particularly those relating to shelter and food distribution – and establishing a protection monitoring system. The disasters in the Philippines and Haiti affected mostly people living in urban, often impoverished, areas. Operations in both countries showed the importance of liaising with local human rights organizations early in the emergency response phase.

IX. Concluding observations

65. This year marks the 60th anniversary of UNHCR. In its unique role to protect and assist refugees, the stateless and other persons of concern, the Office operates in an increasingly complex and challenging environment. The realities of conflict, violence and persecution continue to cause displacement. At the same time, in a world where the population is growing and becoming increasingly mobile, with the impetus to migrate rooted in a myriad of social, economic, political and human rights factors, new forms and causes of displacement are emerging. Natural disasters, including earthquakes, typhoons and floods, or the often unnoticed phenomena of drought, are examples. Patterns of displacement in the future will be increasingly impacted by weather-related occurrences, ecological damage, climate change and environmental-related factors, such as declining resources and unequal access to them.

66. Mobility cannot be obstructed. People will move internally, across borders, to neighbouring countries or seek safety, stability and prosperity further away from home. They will go to countries facing huge development and security challenges, countries with economies in transition, or countries on transit routes to chosen destinations. The challenge is not to prevent movement but to manage better the many sensitive issues at stake. The perennial concern about lack of equitable burden and responsibility sharing in some contexts complicates such management. This is a cross-cutting and consistent thread. Sheltering mass numbers and sharing burdens are linked issues. Greater solidarity with forcibly displaced persons is most likely when it is underpinned by solidarity among States. It is timely to re-engage in a discussion on burden sharing, responsibility sharing and the contours of protection today.

67. In addition to striving to secure humanitarian space, to broaden protection opportunities, to protect refugees in urban settings and to make solutions available, UNHCR and its partners are keen to develop further the protection architecture with respect to emerging protection gaps. Achieving traditional durable solutions may become more challenging in a time of global mobility, political and economic instability, urbanization and personal destitution. It is important, nonetheless, to work to strengthen communities and encourage self-sufficiency while exploring new avenues such as, for instance, regularized migration channels.

68. Forced displacement, statelessness and complex migratory movements will remain prominent global issues – in terms of their nature, magnitude and complexity – requiring decisive protection responses. The 60th anniversary of UNHCR this year, as well as the 60th anniversary of the 1951 Convention relating to the Status of Refugees and the 50th anniversary of the 1961 Convention on the Reduction of Statelessness next year, will provide opportunities to forge ahead both operationally and conceptually. Together with

Governments and partners, UNHCR will seek long-term solutions for all persons of concern to the Office, while addressing the root causes of statelessness and displacement; advancing modern concepts of protection; advocating for respect of international protection standards; cultivating alliances; establishing new partnerships; and empowering local communities.

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